

Robert S. Weisbein (RW 0080)  
 FOLEY & LARDNER LLP  
 90 Park Avenue  
 New York, NY 10016-1314  
 Phone: 212-338-3400  
 Facsimile: 212-687-2329  
 Email: rweisbein@foley.com  
*Attorneys for Plaintiff*  
*Instead Sciences, Inc.*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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INSTEAD SCIENCES, INC., a California  
 Corporation,

Plaintiff,

v.

ReProtect, Inc., a Maryland corporation, Ultrafem  
 Inc., a Delaware corporation, Dr. Richard Cone  
 And Dr. Thomas Moench,

Defendants.

-----X

Civil Action No.: 08 CV 5236 (DC)

**AFFIDAVIT OF ROBERT S.  
 WEISBEIN IN SUPPORT OF  
 WRITTEN MOTION TO  
ADMIT COUNSEL PRO HAC VICE**

STATE OF NEW YORK     )  
                                   )     ss.:  
 COUNTY OF NEW YORK    )

Robert S. Weisbein, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Foley & Lardner LLP, counsel for Plaintiff Instead Sciences, Inc. in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Katherine P. Soby as counsel pro hac vice to represent Plaintiff Instead Sciences, Inc. in this matter.
2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in January 1983. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. Katherine P. Soby is an Associate at Foley & Lardner LLP in San Diego, California.
4. Katherine P. Soby is a member in good standing of the Bar of the State of California, the United States District Court, Central District of California, and the United States District Court,

Southern District of California. Certificates of Good Standing from the Bar of the State of California, the United States District Court, Central District of California, and the United States District Court, Southern District of California are attached as Exhibit A.

5. I understand Ms. Soby to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure. I know of no reason why Ms. Soby should not be admitted pro hac vice.

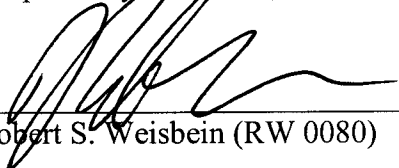
6. Accordingly, I am pleased to move the admission of Katherine P. Soby, pro hac vice.

7. I respectfully submit a proposed order granting the admission of Katherine P. Soby, pro hac vice, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Katherine P. Soby, pro hac vice, to represent Defendants Instead Sciences, Inc. in the above captioned matter, be granted.

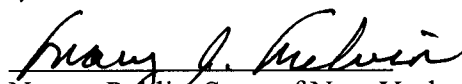
Dated: July 17, 2008  
New York, NY

Respectfully submitted,

  
Robert S. Weisbein (RW 0080)

Sworn to before me this

17<sup>th</sup> day of July 2008

  
Notary Public, State of New York

MARY A. MELVIN  
Notary Public, State of New York  
No. 01ME4724081  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires October 31, 2010



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

June 27, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, KATHERINE PATRICIA SOBY, #241073 was admitted to the practice of law in this state by the Supreme Court of California on December 28, 2005; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert  
Custodian of Membership Records

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# United States District Court

Central District of California

## CERTIFICATE OF GOOD STANDING

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I, SHERRI R. CARTER, Clerk of this Court, certify that

Katherine P. Soby, Bar No. 241073

was duly admitted to practice in this Court on April 7, 2006

and is in good standing as a member of the Bar of this Court.

Dated at Los Angeles, California.

on June 25, 2008  
*DATE*

SHERRI R. CARTER, CLERK

By 

  
Lupe Thrasher, Deputy Clerk  
1200

**CERTIFICATE OF GOOD STANDING**

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA

} ss.

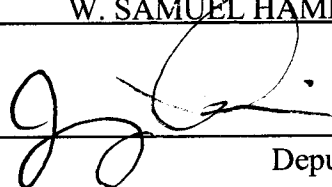
I, W. Samuel Hamrick, Jr., Clerk of the United States District Court for the  
Southern District of California,

DO HEREBY CERTIFY That Katherine Soby was duly admitted to practice in said  
Court on 1/17/2006, and is in good standing as a member of the bar of said Court

Dated at San Diego, CA

on June 20, 2008

\_\_\_\_\_  
W. SAMUEL HAMRICK, JR.  
Clerk

By  \_\_\_\_\_,  
Deputy Clerk

Robert S. Weisbein (RW 0080)  
FOLEY & LARDNER LLP  
90 Park Avenue  
New York, NY 10016-1314  
Phone: 212-338-3400  
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Email: rweisbein@foley.com  
*Attorneys for Plaintiff*  
*Instead Sciences, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
INSTEAD SCIENCES, INC., a California	:	
Corporation,	:	
	:	
Plaintiff,	:	Civil Action No.: 08 CV 5236 (DC)
	:	
v.	:	
	:	<b>ORDER FOR ADMISSION</b>
	:	<b>PRO HAC VICE ON</b>
	:	<b>WRITTEN MOTION</b>
ReProtect, Inc., a Maryland corporation, Ultrafem	:	
Inc., a Delaware corporation, Dr. Richard Cone	:	
And Dr. Thomas Moench,	:	
	:	
Defendants.	:	
-----	X	

Upon the motion of Robert S. Weisbein, attorney for Plaintiff Instead Sciences, Inc. and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Katherine P. Soby  
Firm Name: Foley & Lardner LLP  
Address: 402 West Broadway  
Suite 2100  
City/State/Zip: San Diego, CA 92101-3542  
Phone Number: (619) 234-6655  
Fax Number: (619) 234-3510

is admitted to practice pro hac vice as counsel for Plaintiff Instead Sciences, Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing

(ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: July \_\_\_, 2008  
New York, New York

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United States District/Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
	:
INSTEAD SCIENCES, INC., a California	:
Corporation,	:
	:
Plaintiff,	:
	:
v.	:
	:
ReProtect, Inc., a Maryland corporation, Ultrafem	:
Inc., a Delaware corporation, Dr. Richard Cone	:
And Dr. Thomas Moench,	:
	:
Defendants.	:
-----X	

Civil Action No.: 08 CV 5236 (DC)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK )

AVA M. BESSEL, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at 400 East 50<sup>th</sup> Street, New York, NY 10022.

That on the 17<sup>th</sup> day of July, 2008, deponent caused to be served a copy of the **Notice of Motion and Affidavit of Robert S. Weisbein in Support of Written Motion to Admit Katherine P. Soby *Pro Hac Vice*** upon all counsel of record at their last address as follows via First Class Mail:




Eric J. Lobenfeld and Dillon Kim  
Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, NY 10022

the attorneys authorized to accept service on behalf of the defendants.

  
AVA M. BESSEL

Sworn to before me this  
17<sup>th</sup> day of July, 2008

  
Notary Public

MARY A. MELVIN  
Notary Public, State of New York  
No. 01ME4724081  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires October 31, 2010

Robert S. Weisbein (RW 0080)  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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And Dr. Thomas Moench, :

Defendants. :  
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**MOTION TO ADMIT  
PRO HAC VICE**

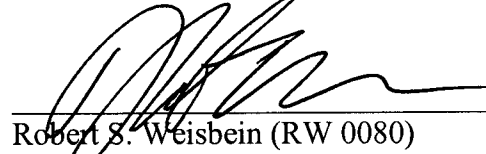
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Robert S. Weisbein, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

Applicant's Name: Katherine P. Soby  
Firm Name: Foley & Lardner LLP  
Address: 402 West Broadway  
Suite 2100  
City/State/Zip: San Diego, CA 92101-3542  
Phone Number: (619) 234-6655  
Fax Number: (619) 234-3510

Katherine P. Soby is a member in good standing in the Bar of the State of California, the United States District Court, Central District of California, and the United States District Court, Southern District of California. There are no pending disciplinary proceeding against Katherine P. Soby in any State or Federal court.

Dated: July 17 2008  
New York, New York

FOLEY & LARDNER LLP



Robert S. Weisbein (RW 0080)

FOLEY & LARDNER LLP

90 Park Avenue

New York, NY 10016-1314

Phone: 212-338-3400

Facsimile: 212-687-2329

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*Attorneys for Plaintiff*

*Instead Sciences, Inc.*